

SERVICE DATE - MAY 16, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-307 (Sub-No. 3X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.–ABANDONMENT
EXEMPTION–IN ALBANY COUNTY, WY

Decided: May 13, 2003

On May 16, 1996, Wyoming and Colorado Railroad Company, Inc. (WYCO), filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon 66.16 miles of its Coalmont Branch in Albany County, WY, from milepost 67.47 at the Colorado state line to milepost 1.31 near Laramie. By decision and notice of interim trail use or abandonment (NITU) served on September 16, 1996 (September 1996 decision), the petition for exemption was granted subject to certain conditions, including the condition that WYCO retain its interest in, and take no steps to alter the historic integrity of, all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f).

In subsequent section 106 consultations with the Wyoming State Historic Preservation Office (SHPO), the Board determined that the proposed abandonment may have an effect on the Laraine Hahns Peak and Pacific Railroad, a historic property eligible for inclusion on the National Register of Historic Places. The historic property is located within lands managed by the Medicine Bow-Routt National Forest, U.S. Department of Agriculture, Forest Service (DOA). On August 6, 1999, a Memorandum of Agreement (MOA) was executed by the Board, SHPO, DOA and WYCO that specified certain measures that must be carried out by WYCO to mitigate potential impacts on the historic property. The SHPO has informed the Board's Section of Environmental Analysis (SEA) that WYCO had completed the measures specified in the MOA. Therefore, SEA recommends that the historic preservation condition imposed in the September 1996 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

¹ The September 1996 decision also imposed the employee protective conditions in Oregon Short Line R. Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979), and conditions that require WYCO to give the National Geodetic Survey at least 90 days' advance notice of any activities that may disturb or destroy any of the 76 identified geodetic station markers, and that WYCO consult with the DOA prior to conducting salvage activities. Those conditions remain in effect. A public use condition and the

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the September 1996 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

trail use negotiation period have expired.